

REMARKS

I. Background

By this amendment, claims 11, 21, 27, 40, 47, and 68 have been amended, no claims have been cancelled, and no new claims have been added. Accordingly, claims 11-16, 21-25, 27-32, 38-42, 46-51, 54-56, 60-75, and 80-90 remain pending for consideration.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

II. Proposed Amendments to the Specification

The specification was amended to correct a minor grammatical error. Applicant submits that this amendment to the specification does not introduce new matter and entry thereof is respectfully requested.

III. Allowable Subject Matter

The Examiner has objected to claims 12, 13, 22 and 80-84 "as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Office Action at page 4. Assuming no new art or argument is presented, Applicant reserves the right to follow the Examiner's suggestions regarding these claims at a later date. Because of the following arguments with respect to the independent claims from which theses objected-to claims depend, however, Applicant elects to forego rewriting these claims at this time.

IV. Rejection under 35 U.S.C. § 103

The Examiner rejected claims 11, 14-16, 21, 23-25, 27-32, 38-42, 46-51, 54-56, 60-75, and 85-90 under 35 U.S.C. § 103(a) as being unpatentable over *Epstein et al.* (WO 00/06029)

("Epstein") in view of *Ginn, et al.* (US 6626918) ("*Ginn I*"), or *Ginn et al.* (US 6391048) ("*Ginn II*"). Applicants respectfully traverse this rejection.

Epstein. was cited as disclosing "the device and method as claimed with the exception of the closure element being a clip instead of it being a fluid sealant" (Office Action"). *Ginn I* and *Ginn II* were cited to "discloses that it was known to either supplement a clip closure with a sealant, or that a clip is a know alternative to the use of a sealant to in closing vessel puncture wounds" (Office Action). Applicants respectfully submits that *Epstein*, *Ginn I* and *Ginn II*, whether individually or collectively, neither teach nor disclose the inclusion of a "control element coupled to the deflectable element and passing through at least one coil of the helical wound wire" as claimed in independent claims 11, 21, 27, 40, 47, and 68. With respect to independent claim 63, Applicants respectfully submit that independent claim 63 recites that "the control member comprises a tether extending along an outer surface of at least the intermediate portion of the helically wound wire", which again is neither taught nor suggested by *Epstein*, *Ginn I* and *Ginn II*.

VII. CONCLUSION

In view of the foregoing, Applicants believe that the pending claims as amended and presented herein are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

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Respectfully submitted,

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